

# Memorandum

Subject: **ACTION:** Public Lands Highways Discretionary (PLHD)  
Program Request for Fiscal Year (FY) 2009 Project Applications  
(Electronic Reply Due: May 1, 2009)

Date: March 26, 2009

From: Terry K. Haussler, P.E. *Jeffrey Mann*  
*for* Director, Office of Program Development

In Reply Refer To: HFPD-6

To: Division Administrators

Following the retirement of Mr. Larry Beidel from the FHWA Infrastructure Office, the administration of the PLHD program has been reassigned to the FHWA Federal Lands Highway Office. We look forward to working directly with the Federal-Aid Division offices. While there will undoubtedly be some small hiccups, we hope the transition from Infrastructure to Federal Lands will be a smooth one and will appear seamless on your end. Mr. Beidel's knowledge of the PLHD program is extensive, and we recognize that we have some big shoes to fill.

For FY 2009, Section 1101(a)(9)(D) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) authorized \$300,000,000 for Public Lands Highways. Under the provisions of 23 U.S.C. 202(b), the PLHD share of this is 34 percent, or \$102,000,000. Under the provisions of Section 101(n) of the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), one half of one percent (\$510,000) of this amount is set aside for Lake Tahoe Region Metropolitan Planning activities. Under the provisions of Section 186 of Division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8), Congress designated a total of \$87,770,500 of the FY 2009 PLHD funds for specific projects listed in the Joint Explanatory Statement accompanying the Omnibus Appropriations Act. In addition, under the provisions of Section 120(e), Redistribution of Certain Authorized Funds, of Division I of the Omnibus Appropriations Act, any authorized funds, which are not available for obligation due to the imposition of an obligation limitation, are not available for the PLHD program, but are redistributed to the States.

At this time, we request States to submit applications for the projects designated in the Joint Explanatory Statement, which are those listed in Attachment 1. Only those States with projects listed in Attachment 1 need to respond to this solicitation. Please do not submit any applications for projects that are not listed in Attachment 1. The applications must be submitted electronically in MS Word format (see Attachment 2). Because these projects were designated for funding by Congress, the short form of the project application is being used, and requires completion of only 12 items.

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Please note that Congress did not declare these designated projects eligible “notwithstanding any other provision of law,” as they have done in recent years. In addition, Section 186 specifies that only the eligible designated projects shall be funded. Therefore, the projects must still meet the eligibility requirements under 23 U.S.C. 202 and 204. These eligibility requirements are explained in Attachment 3, and this issue should be addressed in Item 8 of the application.

Project applications must be received in Headquarters no later than **May 1, 2009**. When submitting the State’s project applications, the division office shall transmit them via email to Aron Reif (aron.reif@dot.gov) of my staff. Your email transmittal should include:

- a) a statement from the division office that the State’s submittal has been reviewed by the division office and that it meets the submission requirements;
- b) the State transportation department’s submission email or letter to the FHWA division office; and
- c) each MS Word application as an attachment.

Information on the PLHD program is included as Attachment 3 to this memorandum. This contains background information on the program including eligibility and selection criteria, as well as the submission requirements. This solicitation memorandum will also be posted on our FHWA website at <http://flh.fhwa.dot.gov/programs/plh/discretionary.htm>.

If there are any questions, please contact Mr. Aron Reif, Public Lands Highways Program Engineer (202-366-9489).

Attachments

PUBLIC LANDS HIGHWAYS DISCRETIONARY (PLHD) EARMARKING IN FY2009 OMNIBUS APPROPRIATIONS ACT		
STATE	PROJECT DESCRIPTION AS DESIGNATED	DESIGNATED AMOUNT IN JOINT EXPLANATORY STATEMENT
AK	Alaska Trails Initiative	\$1,900,000.00
AK	Fairbanks/North Star Borough Rural and Road Service Upgrades	\$950,000.00
AZ	Arizona Forest Highway 39, General Hitchcock Highway (Catalina Highway), Pi	\$1,662,500.00
AZ	Hoover Dam Bypass Bridge	\$4,275,000.00
AZ	Infrastructure - Roads Improvement, Tohono O'odham Nation, Sells	\$950,000.00
AZ	Sage Brush Road Project, Navajo Mountain Chapter	\$139,650.00
CA	Bald Hill Slide Mitigation, Hoopa Reservation	\$712,500.00
CA	Forest Highway 171 Widening, Butte County	\$998,450.00
CA	Fort Baker Transportation Upgrades	\$475,000.00
CA	Needles Highway, Needles	\$3,800,000.00
CA	Presidio Transportation Demand Management Project, San Francisco	\$712,500.00
CA	South Access to the Golden Gate Bridge, Doyle Drive, City and County of San F	\$2,612,500.00
CA	State Route 88 Pine Grove Corridor Improvement Project, Amador County	\$180,500.00
CO	Improved Access to Powers Boulevard, Peterson AFB	\$2,280,000.00
CO	Sand Dunes Northern Access Road	\$308,750.00
CO	SH 115, Ft. Carson	\$652,650.00
CO	SH 13 South of SH 64 Rio Blanco Divide	\$475,000.00
DC	Disabled Veterans for Life	\$2,850,000.00
DE	Chesapeake and Delaware Canal Recreation Trail	\$570,000.00
FL	BIA Route 1281, Snake Road Improvement Project, Seminole Big Cypress Res	\$475,000.00
FL	Fort George Island Access Road, Jacksonville	\$475,000.00
FL	Snake Road Safety Improvements, Miccosukee Reservation	\$760,000.00
HI	Federal Lands Improvement Project	\$1,900,000.00
ID	City of Rocks Back Country Byway	\$1,961,750.00
ID	FH-24, Banks to Lowman	\$475,000.00



PUBLIC LANDS HIGHWAYS DISCRETIONARY (PLHD) EARMARKING IN FY2009 OMNIBUS APPROPRIATIONS ACT		
STATE	PROJECT DESCRIPTION AS DESIGNATED	DESIGNATED AMOUNT IN JOINT EXPLANATORY STATEMENT
IL	Seibert Road Improvements, Shiloh	\$950,000.00
MA	Riverwalk Extension Construction, Lowell National Historical Park, Lowell	\$712,500.00
MD	BRAC Related Improvements, Anne Arundel County	\$3,063,750.00
MD	BRAC Related Improvements, Harford County	\$3,087,500.00
MD	BRAC Related Improvements, Montgomery County	\$3,087,500.00
MD	MD 4 at Suitland Parkway	\$1,567,500.00
MD	New Frederick Douglass Memorial Bridge Construction Project	\$950,000.00
MT	Montana Secondary 323 from Ekalaka to Alzada	\$2,850,000.00
NC	Maintain Infrastructure/Restore Visitor Services for Blue Ridge Parkway	\$475,000.00
ND	Cannon Ball and Fort Yates Community Streets Road Improvements	\$1,757,500.00
NJ	Multi-Use Pathway, Sandy Hook	\$475,000.00
NM	US 491: Navajo 9 to Shiprock, Four-lane upgrade	\$950,000.00
NV	Boulder City Bypass Improvements, Boulder City	\$855,000.00
NV	Extension of Starr Road to Saint Rose Parkway and Henderson Starr Road Interchange	\$1,187,500.00
NV	I-15 Sloan to Apex Interchange	\$475,000.00
NV	Pyramid Lake Highway Corridor, Sparks	\$1,425,000.00
NV	Southern Nevada Beltway Interchanges	\$2,850,000.00
NV	SR-160 Blue Diamond Highway -- Las Vegas to Pahrump	\$2,612,500.00
NY	Fort Drum Connector Road	\$1,425,000.00
OH	Improved Accessibility to the Cuyahoga National Park, Akron-Peninsula Road, S	\$475,000.00
OR	US Highway 199 Improvements	\$475,000.00
OR	US Highway 42 Improvements	\$1,425,000.00
PA	Flight 93 National Memorial, Public Lands Transportation Needs	\$4,275,000.00
PA	Stoopville Road Traffic Calming Measures Surrounding Dolington National Vete	\$950,000.00
RI	Blackstone River Bikeway	\$475,000.00

PUBLIC LANDS HIGHWAYS DISCRETIONARY (PLHD) EARMARKING IN FY2009 OMNIBUS APPROPRIATIONS ACT		
STATE	PROJECT DESCRIPTION AS DESIGNATED	DESIGNATED AMOUNT IN JOINT EXPLANATORY STATEMENT
SD	Cuny Table Road (BIA Route 2), Pine Ridge Indian Reservation	\$1,900,000.00
SD	Improvements to SD 73 from US 18 to Jackson County Serving Pine Ridge and	\$950,000.00
SD	Kenel Road (BIA Route 3) Rehabilitation and Resurfacing, Standing Rock Sioux	\$237,500.00
SD	Reconstruction of BIA Route 15, Marshall County	\$475,000.00
TN	Stones River National Battlefield Tour Route	\$950,000.00
TX	Rittiman/Harry Wurzbach Corridor Improvements, San Antonio	\$950,000.00
UT	Bear River Access Road Forest Street Improvements, Brigham City	\$285,000.00
UT	Navajo Route 35 Resurfacing Project	\$950,000.00
UT	SR-92 Lehi to Highland	\$712,500.00
VA	Onville Road Intersection and Road-Widening Project, Prince William County	\$950,000.00
VA	US Route 1/ VA Route 619 Traffic Circle/Interchange, at the entrance of USMC	\$1,187,500.00
VA	Wolf Trap Performing Arts Multi-Use Trail, Fairfax	\$1,187,500.00
WA	B-Reactor Access Road Analysis Project	\$190,000.00
WA	Skokomish Tribe Reservation Road Improvements	\$1,330,000.00
WA	Squaxin Island Access Improvement Project	\$1,045,000.00
WI	Improvement to US Highway 70 in Oneida County and Vilas County	\$712,500.00
WY	17-Mile Road Reconstruction, Wind River Indian Reservation	\$475,000.00
WY	Grand Teton National Park Pathways System	\$1,900,000.00
TOTAL	68 Projects	\$87,770,500.00

**PUBLIC LANDS HIGHWAYS DISCRETIONARY (PLHD) PROGRAM  
FY 2009 PROJECT APPLICATION  
(Short Form for Projects Designated by Congress)**

1. **State:**
2. **County:**
3. **U.S. Congressional District No.(s):**
4. **U.S. Congressional District Member's Name(s):**
5. **Project Designation (Title):**
6. **Project Location:**
7. **Proposed Work:**
8. **Eligibility:**
9. **Project Purpose & Benefits:**
10. **Project Administration:**
11. **Amount of Federal PLH Discretionary Funds Requested:**
12. **Project Schedule:**

PUBLIC LANDS HIGHWAYS DISCRETIONARY (PLHD) PROGRAM

PROGRAM INFORMATION

(March 2009)

BACKGROUND:

The Public Lands Highways (PLH) Program was originally established in 1930 by the Amendment Relative to Construction of Roads through Public Lands and Federal Reservations. Funding was provided from the General Fund of the Treasury. The intent of the program is to improve access to and within the Federal lands of the nation. The Federal-Aid Highway Act of 1970 changed the funding source for the program from the General Fund to the Highway Trust Fund, effective in fiscal year (FY) 1972. The program has been continued with each highway or transportation act since then, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continues the program through FY 2009.

STATUTORY REFERENCES:

23 U.S.C. 202, 203 & 204; SAFETEA-LU, Section 1101(a)(9)(D)

FUNDING:

Fiscal Year	2005	2006	2007	2008	2009
Authorization	\$88.4M	\$95.2M	\$95.2M	\$98.6M	\$102.0M

For FY 2009, Section 1101(a)(9)(D) of SAFETEA-LU authorizes \$300 million for the Public Lands Highway program. Under the provisions of 23 U.S.C. 202(b), the PLHD share of this authorization is 34 percent, or \$102,000,000. Under the provisions of Section 101(n) of the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), one half of one percent (\$510,000) of this amount is set aside for Lake Tahoe Region Metropolitan Planning activities. In addition, under the provisions of Section 120(e), Redistribution of Certain Authorized Funds, of Division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8), any authorized funds, which are not available for obligation due to the imposition of an obligation limitation, are not allocated for the PLHD program, but are redistributed to the States. For FY 2009, the obligation limitation is 93.6 percent. Therefore, \$6,495,360 will be returned to the States from the PLHD program under this provision.



Under the provisions of Section 186 of Division I of the Omnibus Appropriations Act, Congress designated the FY 2009 PLHD funds for specific projects listed in the Joint Explanatory Statement accompanying the Omnibus Appropriations Act. The remaining \$94,994,640 of the \$101,490,000 authorization will be available to fund the FY 2009 designated PLHD projects. Since Congress only designated \$87,770,500 for projects, each designated amount in the Joint Explanatory Statement will be fully funded.

#### **FEDERAL SHARE:**

In accordance with 23 U.S.C. 204(b), the Federal share of the costs for any project eligible under this program is 100 percent.

#### **OBLIGATION LIMITATION:**

The PLHD funds are subject to obligation limitation; however, 100 percent obligation authority is provided with the allocation of funds for the selected projects. The obligation limitation reduces the available funding for the program under the provisions of SAFETEA-LU Section 1102(f). For FY 2009, these provisions are in Section 120(e) of Division I of the Omnibus Appropriations Act.

#### **ELIGIBILITY:**

Under the provisions of 23 U.S.C. 202(b)(1)(A), the funds shall be allocated “among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States.” Since all of the States have some Federal lands, all are eligible to apply for PLHD funding.

In accordance with 23 U.S.C. 204(b)(5), the PLH funds are available for “any kind of transportation project eligible for assistance under Title 23, United States Code, that is within, adjacent to, or provides access to” Federal lands or facilities. Under the provisions of 23 U.S.C. 204(b)(1)(A), the PLH funds are available for transportation planning, research, engineering, and construction of the highways, roads, and parkways, and of transit facilities within the Federal public lands. Under the provisions of 23 U.S.C. 204(b)(1)(B), the PLH funds are also available for operation and maintenance of transit facilities located on Federal public lands.

Under 23 U.S.C. 204(h), eligible projects under the PLH program may also include the following:

- Transportation planning for tourism and recreational travel, including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.



- Adjacent vehicular parking areas.
- Interpretive signage.
- Acquisition of necessary scenic easements and scenic or historic sites.
- Provision for pedestrians and bicycles.
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities.
- Other appropriate public road facilities such as visitor centers as determined by the Secretary.
- A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.

For FY 2009, the designated projects, in the Joint Explanatory Statement accompanying the Omnibus Appropriations Act, must meet the above statutory eligibility criteria, because Congress did not include any “notwithstanding any other provision of law” eligibility provision this year.

#### **SELECTION CRITERIA:**

The only statutory criterion is found in 23 U.S.C. 202(b)(1)(B): “The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities that are proposed by a State that contains at least 3 percent of the total public land in the United States.” The following eleven States have at least 3 percent of the Federal public lands in the United States: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

Under the provisions of Section 186 of Division I of the Omnibus Appropriations Act, Congress has statutorily designated the PLHD funds for FY 2009 for specific projects listed in the Joint Explanatory Statement. Therefore, the above selection criteria, under 23 U.S.C. 202(b)(1)(B), does not apply for FY 2008 PLHD funding.

Also, because of the statutory designation of FY 2009 PLHD funds, previously developed administrative selection criteria for the PLHD program, such as equitable distribution of funding, leveraging of private or other public funding, State priorities, expeditious completion of a project, or the transportation benefits of the project, will also not be considered.

#### **SOLICITATION PROCEDURE:**

For FY 2009, since all PLHD funding has been designated by Congress for specific projects, applications will only be solicited for those projects. As indicated previously, these designated projects must still meet the eligibility requirements under Sections 202 and 204 of Title 23.

A memorandum is issued by the FHWA Headquarters Office of Program Administration to the FHWA division offices requesting submission of applications. The division offices send the memo to the State DOTs, who are responsible for submitting the applications to FHWA.

## **SUBMISSION REQUIREMENTS:**

Only State DOTs may submit applications for funding under this program. Because Congress designated the projects to be funded in FY 2009, a short application form will be used. The application for each project must include the following information (12 items). Those applications that do not include these items are considered incomplete and funding will not be available for those projects until an acceptable application is submitted. The application for each project must be submitted electronically in MS Word format, and be limited to two pages.

1. **State** in which the project is located.
2. **County** in which the project is located.
3. **U.S. Congressional District No.(s)** in which the project is located. This is the U.S. Congressional District, not the State district.
4. **U.S. Congressional District Member's Name(s)**. This is the U.S. Congressional District representative, not the State legislature.
5. **Project Designation (Title)** - This should be the description of the project as listed in the Joint Explanatory Statement accompanying the Omnibus Appropriations Act.
6. **Project Location** - Describe the specific location of the project, including route number and termini, if applicable. Also include appropriate local jurisdiction in which the project is located.
7. **Proposed Work** - Describe the project work that is to be completed under this particular request, and whether this is a complete project or part of a larger project. Please ensure that the proposed work falls within the description of the designated project (Item 5 above).
8. **Eligibility** - Specify how this project is eligible for PLHD funds, including what Federal public lands or facilities are being served by the project, and whether the project is within, adjacent to, or provides access to these Federal public lands or facilities. If the project is not eligible for PLHD funds, please indicate that here, and explain.



9. **Project Purpose & Benefits** – Describe the purpose of the project and the expected benefits to be realized upon completion of the project. Particular attention should be given to how the proposed project will benefit access to Federal public lands or facilities, as well as other transportation benefits that may include improved public safety, economic development, community enhancement, etc. Specifics, such as anticipated reductions in accident rates, etc. should be provided if available.
10. **Project Administration** - Indicate whether the project is being administered by the State transportation agency, a county or other local jurisdiction, a Federal Lands Highway division of FHWA, or another Federal agency. This information is needed to determine to whom to allocate the funds for the project.
11. **Amount of Federal PLHD Funds Requested** - Indicate the amount of Federal PLHD funds being requested for the fiscal year. This should be the award amount shown in Attachment 1 to the solicitation memo.
12. **Project Schedule** – The anticipated project schedule is required. The schedule should indicate the proposed date that funds will be obligated, when construction will commence, and the anticipated completion date.

## **ANNOUNCEMENT OF AWARDS / ALLOCATION OF FUNDS**

After the applications are received, it is required that Congress be notified before the funds are allocated to the States. When this Congressional notification process is completed, the Federal Lands Highway Office will issue an announcement by email to all FHWA division offices, announcing the PLHD projects that will be funded and the amount of funding for each project.

At that time, States may request that funds be allocated for any projects for which the funds are ready to be obligated. The State transportation agency shall send an email to the FHWA division office indicating the project, the amount requested for allocation, and the date by which the funds will be obligated. The Federal Lands Highway Office will issue the allocation memorandum within a few days of receiving the allocation request.

## **STATE TRANSPORTATION AGENCY RESPONSIBILITIES:**

1. Coordinate with State, local, tribal and Federal agencies within the State to develop project applications.
2. Ensure that the applications are completed for candidate projects in accordance with the submission requirements outlined above.
3. Submit the applications electronically to the local FHWA division office on time so that the submission deadline can be met.
4. Submit request to FHWA division office for allocation of funds, after awards are



announced and when project funds are ready to be obligated.

**FHWA DIVISION OFFICE RESPONSIBILITIES:**

1. Provide the solicitation memorandum and this program information to the State transportation agency electronically to facilitate their electronic submission of applications.
2. Request candidate projects be submitted by the State to the FHWA division office electronically to meet the submission deadline established in the solicitation.
3. Review all candidate applications submitted by the State prior to sending them to FHWA Headquarters to ensure that they are complete and meet the submission requirements.
4. Submit the candidate applications electronically to FHWA Headquarters Federal Lands Highway Office as outlined in the solicitation memorandum. Include the following with the transmitting Email message:
  - a. Statement from the division office that the State's submittal has been reviewed by the division office and that it meets the submission requirements.
  - b. State transportation department submission email or letter to the FHWA division office. (This will document that all applications were submitted by the State transportation department, as required by law.)
  - c. Each MS Word two-page application as a separate attachment.
5. Forward award announcement to the State.
6. Forward allocation requests from State to the Federal Lands Highway Office, via email to Aron Reif (aron.reif@dot.gov).

**FHWA HEADQUARTERS PROGRAM OFFICE RESPONSIBILITIES:**

1. Solicit applications from the States through annual solicitation memorandum.
2. Review applications and compile appropriate program and project information for the Office of the Federal Highway Administrator.
3. Issue award announcement via email to all FHWA division offices.
4. Allocate funds upon receipt of request from State through the FHWA division office.

**FHWA HEADQUARTERS PROGRAM OFFICE CONTACT:**

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